



# False Claims Act and Qui Tam Trial Institute 2019

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June 19–21, 2019  
Fordham Law School | New York, NY

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## Description of Proceedings

- A two-day mock False Claims Act jury trial, in which very experienced False Claims Act lawyers from the government, relators’ and defense bar will try a health care pharmacy compounding fraud case to a jury
- Attendees will be able to observe the jury deliberations via closed-circuit broadcast
- A unique opportunity to see how the issues in a FCA trial play out in court and to observe how a jury evaluates the evidence, the witnesses and the arguments of counsel
- A discussion of the challenges a FCA trial presents
- Voir dire, from both sides of the case, with a prominent jury consultant
- Presentation concerning effective trial advocacy methods

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Register Now!	Advance Rate	Standard Rate Effective May 28, 2019
General Public	\$1,310	\$1,400
ABA Members	\$1,200	\$1,280
Health Law Section, Criminal Justice Section, or Public Contract Law Section Members	\$1,050	\$1,120
Government Lawyers	\$550	\$575

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Government Litigation,  
Legal Division  
*Pfizer, Inc.*  
New York, NY



### Wednesday, June 19, 2019

12:30 - 12:45

#### Opening Remarks

David L. Douglass, Partner, Sheppard Mullin, Washington, DC  
Joel M. Androphy, Partner, Berg & Androphy, Houston, TX

12:45 - 1:45

#### Hot Topics in FCA Law

**Moderator:** Matthew Turetzky, Senior Associate, The Norton Law Firm, Oakland, CA  
**Government:** Bryan Kessler, Sr. Counsel, Office of the State Attorney General of New York, New York, NY

**Relator:** Marc Raspanti, Partner, Pietragallo Gordon Alfano Bosick & Raspanti, LLP, Philadelphia, PA

**Defense:** Jack Boese, Of Counsel, Fried Frank, Washington, DC

Experienced FCA practitioners will analyze the current state of the False Claims Act, including court decisions post-Escobar, statute of limitations, and dismissal of FCA actions.

1:45 - 2:45

#### The Practice of Litigating FCA Cases in 2019: Insiders' Views on How to Best Investigate, Prosecute and Defend FCA Cases

**Moderator:**

**Government:** Darrell Valdez, Assistant U.S. Attorney, Washington, DC

**Relator:** David Lieberman, Whistleblower Law Collaborative, LLC, Boston, MA

**Defense:** Mark Sweet, Partner, Wiley Rein, Washington, DC

This panel will focus on the procedural and practical challenges presented in FCA litigation, including pleading issues, motions practice, discovery techniques, and working with the government in intervened and non-intervened cases.

2:45 - 3:00

#### Break

3:00 - 4:00

#### FCA Risk Management and How to Respond to Government Investigations: Best Corporate Practices

**Moderator:** Andy Liu, Partner, Nichols Liu LLP, Washington, DC

**Panelist 1:** Daniel Dovdavany, Associate General Counsel, North America Litigation & Investigations, Sanofi US, Bridgewater, NJ

**Panelist 2:** Beong-Soo Kim, Vice President of Litigation, Kaiser Foundation Health Plan Inc, Pasadena, CA

**Panelist 3:** Ken Shaitelman, Assistant US Attorney, Department of Justice, Houston, TX

**Panelist 4:** Alonzo Weems, Vice President and Deputy General Counsel, Eli Lilly and Company, Indianapolis, IN

This panel of in-house counsel will discuss best practices for minimizing FCA risk and responding to FCA investigations.

4:00 – 5:00	<p><b>Ethically Handling FCA Investigations, Litigation, and Whistleblowers (Ethics Credit)</b></p> <p><b>Moderator:</b> Danielle Vrabie, Associate, Sheppard Mullin Richter &amp; Hampton LLP, New York, NY</p> <p><b>Panelist 1:</b> Jackelyn DeMar, Director of Legal Education, Taxpayers against Fraud Education Fund, Washington, DC</p> <p><b>Panelist 2:</b> David Springetti, Former General Counsel, Former Senior Vice President &amp; Chief Legal Officer, Lehigh Valley</p> <p><b>Panelist 3:</b> Fred Wahrlich, Shareholder, Munsch Hardt, Houston, TX</p> <p><b>Panelist 4:</b> Maryana Zubok, Senior Corporate Counsel, Pfizer, Inc., New York, NY</p> <p>This panel will address ethical considerations and limitations for whistleblower counsel, defense counsel and government counsel.</p>
<p><b>Thursday, June 20, 2019</b></p>	
	<p><b>The Main Event! The False Claims Act Mock Trial.</b></p> <p><b>The Honorable Helen Freedman (ret.),</b> New York Appellate Division of the Supreme Court, New York, NY</p>
9:00 – 10:00	<p><b>Voir Dire</b></p> <p><b>Jury Consultant:</b> Max Bloom, Holocene, San Francisco, CA</p> <p><b>Plaintiffs’ Counsel:</b> Joel M. Androphy, Partner, Berg &amp; Androphy, Houston, TX</p> <p><b>Defense Counsel:</b> Michael E. Clark, Special Counsel, Duane Morris, Houston, TX</p>
10:00 – 10:15	<p><b>Break</b></p>
10:15 – 11:30	<p><b>Initial Jury Instructions and Opening Statements</b></p> <p><b>Plaintiffs’ Counsel:</b> Tarra DeShields, Assistant U.S. Attorney, U.S. Department of Justice, Baltimore, MD and Chet Rabon, Jr., Rabon Law Firm PLLC, Charlotte, NE</p> <p><b>Defense Counsel:</b> Richard W. Westling, Member of the Firm, Epstein Becker and Green, Nashville, TN</p>
11:30 – 12:15	<p><b>Plaintiffs’ Witness 1 – Direct</b></p> <p><b>Plaintiffs’ Counsel:</b> Jillian Estes, Senior Attorney, Morgan Verkamp LLC, Cincinnati, OH</p>
12:15 – 1:15	<p><b>Lunch</b></p> <p><b>Keynote Speaker:</b> Jessie K. Liu, U.S. Attorney for the District of Columbia</p>
1:15 – 1:45	<p><b>Witness 1 Cross</b></p> <p><b>Defense Counsel:</b> Robert Rhoad, Partner, Nichols Liu LLP, Washington, DC</p>
1:45 – 3:00	<p><b>Plaintiffs’ Witness 2</b></p> <p><b>Plaintiffs’ Counsel:</b> Tony Mastando, Partner, Mastando &amp; Artrip, LLC, Huntsville, AL</p> <p><b>Defense:</b> Jennifer Short, Attorney, U.S. Department of Justice, Washington, DC</p>
3:00 – 3:15	<p><b>Break</b></p>

3:15 – 4:15	<p><b>Plaintiffs’ Witness 3 (Expert)</b></p> <p><b>Plaintiffs’ Counsel:</b> David J. Chizewer, Goldberg Kohn Ltd., Chicago, IL</p> <p><b>Defense Counsel:</b> Michael E. Clark, Special Counsel, Duane Morris, Houston, TX</p>
4:15 – 5:00	<p><b>Defense Witness 4</b></p> <p><b>Defense Counsel:</b> Sean McKenna, Shareholder, Greenberg Traurig LLP, Dallas, TX</p> <p><b>Plaintiffs’ Counsel:</b> Sarah M. Frazier, Partner, Berg &amp; Androphy, Houston, TX</p>
5:00 – 6:15	<p><b>Defense Witness 5</b></p> <p><b>Defense Counsel:</b> David Fischer, Partner, Sheppard, Mullin, Richter &amp; Hampton LLP, Washington, DC</p> <p><b>Plaintiffs’ Counsel:</b> Nola Hitchcock Cross, Partner, Cross Law Firm, Milwaukee, WI</p>

### Friday, June 21, 2019

8:30 – 9:45	<p><b>Defense Witness 6</b></p> <p><b>Defense Counsel:</b> Jack E. Fernandez, Partner, Zuckerman Spaeder LLP, Tampa, FL</p> <p>Michael Moore, Partner and Former U.S. Attorney, Pope McGlamry and Georgia Middle District, Atlanta, GA</p>
9:45 – 10:00	<p><b>Break</b></p>
10:00 – 11:30	<p><b>Closing Arguments</b></p> <p><b>Plaintiffs’ Counsel:</b> David A. Koenigsberg, Partner, Menz Bonner Komer &amp; Koenigsberg, White Plains, NY</p> <p><b>Defense Counsel:</b> David L. Douglass, Partner, Sheppard, Mullin, Richter &amp; Hampton LLP, Washington, DC</p> <p><b>Plaintiffs’ Rebuttal (Government):</b> Jolie Apicella, Assistant U.S. Attorney, U.S. Department of Justice, New York, NY</p>
11:30 – 12:00	<p><b>Jury Instructions</b></p>
12:00 – 12:30	<p><b>Lunch Break</b></p>
12:30 – 1:30	<p><b>Bringing Your Trial to Life: Trial Graphics and Jury Consultants</b></p> <p><b>Moderator:</b> Jesse Hoyer, Partner, James Hoyer Law Firm, Tampa, FL</p> <p><b>Panelist 1:</b> Suann Ingle, Founder, Suann Ingle Associates LLC, New York, NY</p> <p><b>Panelist 2:</b> JUDGE TBD</p> <p>Telling a compelling trial story requires more than strong legal advocacy. Modern trials require consultants that can help you tailor your story to your audience, reinforce your themes through compelling visuals, and explain complex technical, economic, and industry information clearly to the jury. This panel of trial consultants will discuss mock juries, jury selection and presentation of expert testimony at trial.</p>
1:30 – 3:00	<p><b>Deliberations, Verdict &amp; Analysis / Adjourn</b></p>

# Register Now! False Claims Act and Qui Tam Trial Institute 2019

To register, visit [ambar.org/fct2019](http://ambar.org/fct2019)

## Step 1: Find Your Rate Below

Register Now!	Advance Rate	Standard Rate Effective May 28, 2019
General Public	\$1,310	\$1,400
ABA Members	\$1,200	\$1,280
Health Law Section or Criminal Justice Section Members	\$1,050	\$1,120
Government Lawyers	\$550	\$575

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## Step 2: Consider Joining the Health Law Section

- Health Law Section - \$60 {check membership fee}       Criminal Justice Section - \$60 {check membership fee}

## Step 3: Your Information

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-  Fax this form to (312) 988-5850
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## Program Location

False Claims Act and Qui Tam Trial Institute 2019  
June 19-21, 2019  
Fordham Law School  
150 West 62nd Street Room 8-150  
New York, NY 10023

## Hotel Information

The Empire Hotel New York  
44 W 63rd St  
New York, NY 10023.

Reservations can be made by calling the Empire Hotel directly at 212.292.7739 or 855.265.7400. Refer to the ABA False Claims Trial Institute to get the group rate. Single/Double: \$299/night. **Deadline is May 28, 2019.**

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